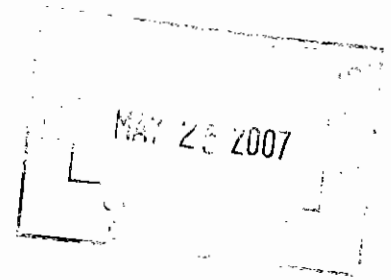


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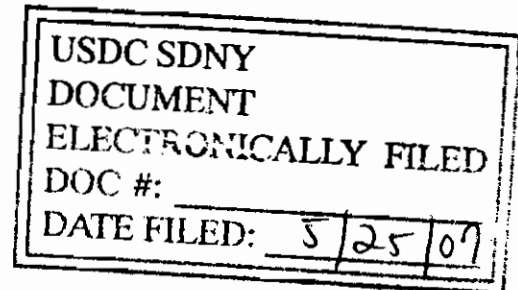


**MEMO ENDORSED**

May 24, 2007

VIA OVERNIGHT MAIL

The Honorable Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007



RE: *Office Depot, Inc. et al. v. Post*, No. 07 CV 2871 (DLC)

Dear Judge Cote:

We represent Defendant Roger Post in the referenced action. We write to request an adjournment of the Initial Pretrial Conference in this action, which is currently scheduled for June 22, 2007. We request an adjournment for one week, to June 29, 2007.

The reason for this request is that Mr. Post's principal trial counsel, Deborah L. Thaxter, Esq. of Nixon Peabody LLP, is unable to attend the conference on June 22, 2007. On that date, Attorney Thaxter is to appear before a judge in Munich, Germany for a deposition in a case she is defending against the Securities & Exchange Commission. This deposition is being taken by the SEC pursuant to the Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters, and the Munich judge has ordered that the deposition take place in his courtroom on June 22, 2007.

Plaintiffs have consented to this request for adjournment. This is the first request that has been made to reschedule this conference. All counsel are available for the conference on Friday, June 29, 2007. Thank you for your consideration of this request.

Respectfully submitted,

Matthew T. McLaughlin

*Conference is adjourned  
to June 29 at 9<sup>30</sup> am.  
Denise Cote  
May 25, 2007*

The Honorable Denise L. Cote  
May 24, 2007  
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cc: Deborah L. Thaxter, Esq. (via e-mail)  
S. Robert Schrager, Esq. (via e-mail)  
John Joiner, Esq. (via e-mail)